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10/771,701	02/04/2004	Craig A. Finseth	PD-990198A	3796
20/991 7590 07/28/2008 THE DIRECTV GROUP, INC. PATENT DOCKET ADMINISTRATION CA / LA1 / A109 2230 E. IMPERIAL HIGHWAY EL SEGUNDO, CA 90245				
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INGVOLDSTAD, BENNETT				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/771,701

**Applicant(s)**

FINSETH ET AL.

**Examiner**

BENNETT INGOLDSTAD

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. In view of the Terminal Disclaimer filed 4 April 2008, the Double Patenting rejections are withdrawn.
2. In view of the claim amendments filed 4 April 2008, the claim objections are withdrawn.

### ***Response to Arguments***

3. Applicant's arguments filed 4 April 2008 have been fully considered but are moot in view of the new rejections.
4. Applicant's lack of traversal of the Official Notice for claims 34, 47, 58, and 69 is taken as an admission of fact that it was well known to resize images by user command in a graphical user interface.

### ***Prior Art from Related Cases***

5. Applicant has requested an indication that the examiner has considered prior art cited and arguments made in the parent application as supposedly required by MPEP 2001.06(c) and 609.02. MPEP 609.02 requires the examiner to consider the prosecution of the parent case in a continuation application, but the examiner notes that neither of the cited MPEP sections require that the examiner "must indicate in the first Office Action" whether the prosecution of the parent case has been considered.

However, the examiner notifies Applicant that the prosecution of the parent case has been considered in accordance with the MPEP.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 30-32, 34, 37, 40-42, 44, 47, 48, 51-53, 55, 58, 59, and 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer (US 2006/0253869) in view of Kahl (US 5936625).

Regarding claim 30, Boyer discloses an electronic program guide for providing information regarding a plurality of broadcast media programs comprising:

- a listing of media program representations that represent a first subset of the plurality media programs (listings subsets on right portion of screen [Figs 16-22])
- a calendar image (calendar 232 [Fig 16]) displayed separate from and with the listing of media program representations, the calendar image including a plurality of dates [Fig 16];

- wherein the calendar image includes a selection indicator, the selection indicator movable within the calendar image for selecting one of the plurality of dates on the calendar image [0103].

Boyer does not further disclose:

- a plurality of program indicators, each program indicator being overlaid on one or more of the plurality of dates, thereby providing an indication of the dates on which the first subset of media programs will be broadcast.

Kahl discloses a system for displaying events correlated to a calendar image comprising a plurality of "busy bar" indicators, each indicator overlaid on one or more dates, thereby providing an indication of the dates corresponding to listed events [col. 2, l. 59-67]. Each indicator allows a user to select a specific time frame in an analogous matter to Boyer's "Select Time of Day" buttons 230 [Boyer Fig 16].

The particular use of a known technique to improve similar devices in the same way is considered to be obvious to one having ordinary skill in the art. Therefore it would have been obvious to modify Boyer's "Time of Day" selectors in accordance with the teachings of Kahl to be "busy bar" program indicators overlaid on the calendar dates to provide an indication of a program scheduled for a specific time period for the purpose of providing program information on the calendar, thus allowing the user to select a day and time more easily. Furthermore,

Regarding claim 40, Boyer discloses an electronic program guide receiving system that receives and generates a display of television content and program guide data, the system comprising:

- a receiver for receiving the program guide data and the television content (set top box [Fig 1]);
- a memory for storing the received program guide data (for storing program guide data downloaded from web server [Fig 1]); and
- a display generator for generating a first display screen based on the received program guide data (for outputting to television 54 [Fig 1]),
- a listing of media program representations and a calendar image displayed separate from and with the listing of media program representations [Fig 16], the calendar image including a plurality of dates and a selection indicator, the selection indicator movable within the calendar image, the selection indicator for selecting one of the plurality of dates on the calendar image and a time [0103], the listing of media program representations representing a plurality of media programs that are being broadcast on the selected date and time;

Boyer does not further disclose that the selection indicator is movable within dates on the calendar image to select a particular time.

Kahl discloses a system for displaying events correlated to a calendar image comprising a plurality of "busy bar" indicators, each indicator overlaid on one or more dates, thereby providing an indication of the dates corresponding to listed

events [col. 2, l. 59-67]. Multiple indicators are stacked in a single date so that a cursor is movable within the date to select the various indicators [col. 3, l. 1-5]. Each indicator allows a user to select a specific time frame in an analogous matter to Boyer's "Select Time of Day" buttons [Boyer Fig 16].

The particular use of a known technique to improve similar devices in the same way is considered to be obvious to one having ordinary skill in the art. Therefore it would have been obvious to modify Boyer's "Time of Day" selectors in accordance with the teachings of Kahl to be program indicators overlaid on the calendar dates to provide an indication of a program scheduled for a specific time period for the purpose of providing program information on the calendar, thus allowing the user to select a day and time more easily.

Regarding claim 51, Boyer discloses a method of receiving electronic program guide data and television content, the method comprising:

- receiving electronic program guide data (program information via the Internet [Abstract]);
- storing the received program guide data (downloading from web server 20 [Fig 1]); and
- generating a first display screen based on the stored program guide data, the first display screen comprising a listing of media program representations and a calendar image displayed separate from and with the listing of media program representations [Fig 16], the calendar image

including a plurality of dates and a selection indicator, the selection indicator movable within the calendar image, the selection indicator for selecting one of the plurality of dates on the calendar image [0103], ... the listing of media program representations representing a plurality of media programs that are being broadcast on the selected date and time [Figs 16-22].

Boyer does not further disclose that the selection indicator is movable within dates on the calendar image to select a particular time.

Kahl discloses a system for displaying events correlated to a calendar image comprising a plurality of "busy bar" indicators, each indicator overlaid on one or more dates, thereby providing an indication of the dates corresponding to listed events [col. 2, l. 59-67]. Multiple indicators are stacked in a single date so that a cursor is movable within the date to select the various indicators [col. 3, l. 1-5]. Each indicator allows a user to select a specific time frame in an analogous matter to Boyer's "Select Time of Day" buttons [Boyer Fig 16].

The particular use of a known technique to improve similar devices in the same way is considered to be obvious to one having ordinary skill in the art. Therefore it would have been obvious to modify Boyer's "Time of Day" selectors in accordance with the teachings of Kahl to be program indicators overlaid on the calendar dates to provide an indication of a program scheduled for a specific time period for the purpose of providing program information on the calendar, thus allowing the user to select a day and time more easily.



Regarding claims 31, 41, and 52, depending respectively on claims 30, 40, and 51, Boyer in view of Kahl further discloses:

- wherein the calendar image includes dates for an entire month [Kahl Fig 2].

Regarding claims 32, 42, and 53, depending respectively on claims 30, 40, and 51, Boyer in view of Kahl further discloses:

- a date region separate from and adjacent to the calendar image, the date region including therein a representation of a calendar date that changes as the selection indicator is moved from date to date within the calendar image ("December 1989" changes as dates are moved across months or years [Kahl Fig 2]).

Regarding claims 34, 44, and 55, depending respectively on claims 30, 40, and 51, Boyer in view of Kahl further discloses:

- further comprising a title region separate from and adjacent to the calendar image, the title region including therein a title or categorical description of the listing of media program representations ("December 1989" is a title or categorical description [Kahl Fig 2]), the title or categorical description changing when the selection indicator is moved

from the current date and time within the calendar image (as dates are moved across months or years [Kahl Fig 2]).

Regarding claims 37, 47, and 58, depending respectively on claims 30, 40, and 51, Boyer in view of Kahl does not further disclose:

- wherein the calendar image is expandable by user command

Applicant's admission of fact (see "Response to Arguments") provides evidence that the method of resizing images by user command for a graphical user interface was well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art to make an image such as the calendar image of Boyer in view of Kahl resizable and thus expandable for the purpose of providing to the user the ability to resize or expand an image as needed.

Regarding claims 48, and 59, depending respectively on claims 40 and 51, Boyer in view of Kahl further discloses:

- the listing of media program representations represent a first subset of the plurality of media programs (subset of listings comprising e.g. search results [Boyer Fig 21], specific genres [Boyer Fig 20], etc.); and
- the calendar image further includes a plurality of program indicators, each program indicator being overlaid on one or more of the plurality of dates (busy bar indicators [Kahl col. 2, l. 59-67]), thereby providing an indication

of the dates on which the first subset of the plurality of media programs will be broadcast [Kahl col. 1, l. 56-60].

Regarding claims 73-75, depending respectively on claims 30, 40, and 51, Boyer in view of Kahl further discloses wherein the subset of the plurality of media programs is identified responsive to a search [Boyer Fig 21].

8. Claims 36, 46, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer (US 2006/0253869) in view of Kahl (US 5936625), further in view of Brown (US 4216596).

Regarding claims 36, 46, and 57 depending respectively on claims 30, 40, and 51, Boyer in view of Kahl further discloses that "certain dates within the calendar image" are blank thereby "highlighting other dates within the calendar image" (dates outside of the selected month are blank [Kahl Fig 2]).

Boyer in view of Kahl does not specifically disclose a mask overlay that blanks the dates.

Brown discloses that it is well known to use a mask to blank calendar days (covering up the days beyond the days of the current month [col. 2, l. 16-23]).

Therefore it would have been obvious to one of ordinary skill in the art to modify the calendar with the teaching of Brown's calendar because the method

of using a mask to overlay certain dates in order to highlight other dates was well known to produce the predictable result of blanking certain dates.

9. Claims 38, 39, 49, 50, 60, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer (US 2006/0253869) in view of Kahl (US 5936625), further in view of Green (US 6192346).

Regarding claims 39, 50, and 61, depending respectively on claims 30, 48, and 59, Boyer in view of Kahl does not contemplate using different colored program indicators to indicate different concentrations of media programs. However, Kahl teaches displaying program indicators differently based on different concentrations of events by staggering "busy bar" indicators to indicate overlapping of events.

Green teaches coloring calendar days using different colors to indicate different conditions.

One of ordinary skill would have been able to adapt the teaching of Green to modify the "busy bar" indicators to use colors to indicate overlapping events instead of staggering, for the purpose of more easily indicating an overlapping condition to the user.

Regarding claims 38, 49, and 60, Boyer in view of Kahl in view of Green (as combined for the previous rejection) discloses using different shades in

conjunction with using different colors (different colors appear using different shades [Green Fig 7]).

10. Claims 33, 35, 43, 45, 54, 56, 62-67, 69, 70, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer (US 2006/0253869) in view of Kahl (US 5936625), further in view of Lemmons (US 2004/0216160).

Regarding claim 62, Boyer discloses a system for transmitting and receiving electronic program guide data and television audio and video signals, the system comprising:

- a combiner for combining the program guide data and the television audio and video signals into an output data stream (media and data are combined in transmission server 16 [Fig 1] [0051];
- a transmitter ... (transmission server [Fig 1]) ;
- a plurality of receivers [Fig 1], each receiver receiving the output data stream, identifying the program guide data from the output data stream, and storing the identified program guide data; and
- display means for generating a first display screen based on the stored program guide data [Fig 16], the first display screen comprising a listing of media program representations and a calendar image displayed separate from and with the listing of media program representations [Fig 16], the calendar image including plurality of dates and a selection indicator, the

selection indicator movable within the calendar image for selecting one of the plurality of dates on the calendar image [0103] ... , the listing of media program representations presenting a plurality of media programs that are being broadcast on the selected date and time [Figs 16-22].

Boyer does not further disclose that the selection indicator is movable within dates on the calendar image to select a particular time.

Kahl discloses a system for displaying events correlated to a calendar image comprising a plurality of "busy bar" indicators, each indicator overlaid on one or more dates, thereby providing an indication of the dates corresponding to listed events [col. 2, l. 59-67]. Multiple indicators are stacked in a single date so that a cursor is movable within the date to select the various indicators [col. 3, l. 1-5]. Each indicator allows a user to select a specific time frame in an analogous matter to Boyer's "Select Time of Day" buttons [Boyer Fig 16].

The particular use of a known technique to improve similar devices in the same way is considered to be obvious to one having ordinary skill in the art. Therefore it would have been obvious to modify Boyer's "Time of Day" selectors in accordance with the teachings of Kahl to be program indicators overlaid on the calendar dates to provide an indication of a program scheduled for a specific time period for the purpose of providing program information on the calendar, thus allowing the user to select a day and time more easily.

Boyer in view of Kahl does not disclose that the transmitter broadcasts the signal as claimed.

Lemmons discloses that a program guide and calendar may be broadcast to a user, for example by a satellite [Fig 1].

It would have been obvious to have broadcasted the program guide and calendar from a television broadcast site for the purpose of not requiring an Internet connection at the set top box.

Regarding claims 33, 43, 54, and 65, depending respectively on claims 30, 40, 51, and 62, Boyer in view of Kahl does not further disclose a time region as claimed.

Lemmons discloses a program guide calendar comprising:

- a time region separate from and adjacent to the calendar image (time region 304 [Fig 8]), the time region including therein a representation of a time of day that changes as the selection indicator is moved upward and downward within a particular date on the calendar image (the up and down button is used to move between the time regions [0095]).

It would have been obvious to use Time-to-View indicators with the calendar of Boyer in view of Kahl for the purpose of indicating the time range of the selected "busy bar" indicator.

Regarding claims 35, 45, 56, and 67, depending respectively on claims 30, 40, 51, and 62, Boyer in view of Kahl does not further disclose a data range indicator as claimed.

Lemmons discloses a calendar comprising:

- a data range indicator that provides an indication on the calendar image of the dates for which program guide information is available (heavy borders indicate a memory contains program schedule information for that day [0091]).

It would have been obvious to have used Lemmons' data range indicator for the purpose of indicating which days have associated program information.

Regarding claim 63, depending on claim 62, Boyer in view of Kahl and Lemmons further discloses:

- wherein the calendar image includes dates for an entire month [Kahl Fig 2].

Regarding claim 64, depending on claim 62, Boyer in view of Kahl and Lemmons further discloses:

- a date region separate from and adjacent to the calendar image, the date region including therein a representation of a calendar date that changes as the selection indicator is moved from date to date within the calendar image ("December 1989" changes as dates are moved across months or years [Kahl Fig 2]).



Regarding claim 66, depending on claim 62, Boyer in view of Kahl and Lemmons further discloses:

- further comprising a title region separate from and adjacent to the calendar image, the title region including therein a title or categorical description of the listing of media program representations ("December 1989" is a title or categorical description [Kahl Fig 2]), the title or categorical description changing when the selection indicator is moved from the current date and time within the calendar image (as dates are moved across months or years [Kahl Fig 2]).

Regarding claim 69, depending on claim 62, Boyer in view of Kahl and Lemmons does not further disclose:

- wherein the calendar image is expandable by user command

Applicant's admission of fact (see "Response to Arguments") provides evidence that the method of resizing images by user command for a graphical user interface was well known in the art.

Therefore it would have been obvious to one of ordinary skill in the art to make an image such as the calendar image of Boyer in view of Kahl resizable and thus expandable for the purpose of providing to the user the ability to resize or expand an image as needed.

Regarding claim 70, depending on claim 62, Boyer in view of Kahl and Lemmons further discloses:

- the listing of media program representations represent a first subset of the plurality of media programs (subset of listings comprising e.g. search results [Boyer Fig 21], specific genres [Boyer Fig 20], etc.); and
- the calendar image further includes a plurality of program indicators, each program indicator being overlaid on one or more of the plurality of dates (busy bar indicators [Kahl col. 2, l. 59-67]), thereby providing an indication of the dates on which the first subset of the plurality of media programs will be broadcast [Kahl col. 1, l. 56-60].

Regarding claim 76, depending on claim 62, Boyer in view of Kahl and Lemmons further discloses wherein the subset of the plurality of media programs is identified responsive to a search [Boyer Fig 21].

11. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer (US 2006/0253869) in view of Kahl (US 5936625), Lemmons (US 2004/0216160), and Brown (US 4216596).

Regarding claim 68, depending on claim 62, Boyer in view of Kahl and Lemmons further discloses that "certain dates within the calendar image" are blank thereby

"highlighting other dates within the calendar image" (dates outside of the selected month are blank [Lemmons Fig 8] [Kahl Fig 2]).

Boyer in view of Kahl and Lemmons does not specifically disclose a mask overlay that blanks the dates.

Brown discloses that it is well known to use a mask to blank calendar days (covering up the days beyond the days of the current month [col. 2, l. 16-23]).

Therefore it would have been obvious to one of ordinary skill in the art to modify the calendar with the teaching of Brown's calendar because the method of using a mask to overlay certain dates in order to highlight other dates was well known to produce the predictable result of blanking certain dates.

12. Claims 71 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer (US 2006/0253869) in view of Kahl (US 5936625), Lemmons (US 2004/0216160), and Green (US 6192346).

Regarding claim 72, depending on claim 70, Boyer in view of Kahl and Lemmons does not contemplate using different colored program indicators to indicate different concentrations of media programs. However, Kahl teaches displaying program indicators differently based on different concentrations of events by staggering "busy bar" indicators to indicate overlapping of events. Green teaches coloring calendar days using different colors to indicate different conditions.

One of ordinary skill would have been able to adapt the teaching of Green to modify the "busy bar" indicators to use colors to indicate overlapping events instead of staggering, for the purpose of more easily indicating an overlapping condition to the user.

Regarding claim 71, Boyer in view of Kahl, Lemmons, and Green (as combined for the previous rejection) discloses using different shades in conjunction with using different colors (different colors appear using different shades [Green Fig 7]).

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENNETT INGOLDSTAD whose telephone number is (571)270-3431. The examiner can normally be reached on M-Th 8-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bennett Ingoldstad/  
Examiner, Art Unit 2623

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2623